

### **REMARKS**

The Applicant appreciates the thorough examination given this application by the Examiner.

### **Election/Restriction**

The Examiner has determined that the application contains two distinct inventions, Group I which is comprised of claims 1-17 and Group II comprised of claims 18-21. Pursuant to a telephone conversation with the Examiner the Applicant has elected to prosecute the invention of Group I comprising of claims 1-17.

### **Double Patenting**

The Examiner has determined that Applicant's claims 1, 2, 5, 7-12, and 15-17, conflict with claims 1-7 and 10 of Applicant's Application Serial No. 09/328,328 thus requiring elimination of the this application's claims as set forth by 37 CFR 1.78(b). The Applicant will traverse the Examiner's double patenting rejection by filing a terminal disclaimer to obviate a provisional double patenting rejection over a pending second application upon allowance of the claims.

### **Claim Rejection 35 USC § 112**

The Examiner has rejected claims 7, 11-14, and 16-17, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant, within this amendment and response, has amended claims 7, 11-14, and 16-17, to traverse this rejection. The claims as amended definitely and distinctly claim the subject matter that the Applicant regards as the invention.

### **Claims Rejection 35 USC § 102**

The Examiner has rejected claims 1, 2, 5, and 7-17, under 35 USC § 102(b), as being anticipated by Hume et al. (U.S. Patent No 5,618,616). The Applicant respectfully traverses this rejection. Hume has patented a multi-layered liner that comprises of (1) a primer layer, (2) a first moisture barrier layer (3) a second moisture barrier layer, and (4) an intermediate foam layer sandwiched between the first barrier layer the second barrier layer. The Applicant's invention does not require a primer layer as set forth and is required in Hume. Additionally, the Applicant's invention does not contain an intermediate foam layer as set forth and required in Hume. These

difference between the Hume patent and the Applicant's invention establish that the Applicant invention is distinct from Hume and was neither patented nor described by Hume. Therefore, Hume does not anticipate the Applicant's invention and Applicant has traversed the 35 USC § 102(b) rejection.

### **Claims Rejection 35 USC § 103**

The Examiner has rejected claims 1, 2, 5, and 7-9, under 35 USC § 103, as being anticipated by Hume (U.S. Patent No. 5,618,616). Hume teaches a liner comprised of a primer layer, a first moisture barrier layer, a foam layer, and a second moisture barrier layer. The primer layer can be applied to wet surfaces and is the bonding layer between the waste water system component, typically a concrete or cement surface, and the first moisture barrier layer. The first and second moisture barrier layers are preferably made of the same material and form a skin on both sides of the internal foam layer. The combination of the foam layer and the two moisture barrier layers imparts structural strength and rigidity to the cured liner.

By way of contrast, Applicant's invention sets forth a liner comprised of a surfacer layer and barrier layer. The surfacer layer is applied to a dry, pretreated surface, typically a concrete or cement surface. The barrier layer is applied to the surfacer layer. The combination of the surfacer layer and the barrier layer may impart structural strength and rigidity to the liner. The Applicant's invention does not utilize a primer nor an intermediate foam layer as set forth and required by Hume.

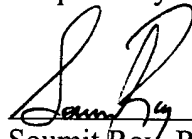
Hume has limited itself to a liner that requires a primer, a first barrier layer, an intermediate foam layer, and a second layer. It does not speak to a liner that utilizes neither a primer nor an intermediate foam layer. It is requested that the Examiner reconsider and withdraw the rejection of claims 1, 2, 5, and 7-9.

The Examiner has rejected claims 3, 4, and 13, under 35 USC § 103, as being anticipated by Hume (U.S. Patent No. 5,618,616) in view of Grinshpuhn (U.S. Patent No. 5,995,013). The Applicant respectfully traverses this rejection. As set forth above Hume does not anticipate the Applicants invention because it has limited itself to a liner that requires a primer, a first barrier layer, an intermediate foam layer, and a second layer. Grinshpuhn does not speak a liner for rehabilitating or repairing waste water system components. Additionally, Grinshpuhn does not teach that polyurea foams and epoxies can be utilized in the process for rehabilitating or repairing

waste water system components. Grinshpuhn does not teach with regards to lining waste water systems that requires specific knowledge regarding the nature and the use of waste water systems, therefore, Hume in view of Grinshpuhn does not anticipate the Applicant's invention.

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested. The Commissioner is hereby authorized to charge or credit any fees to Deposit Account 50-0259.

Respectfully submitted,

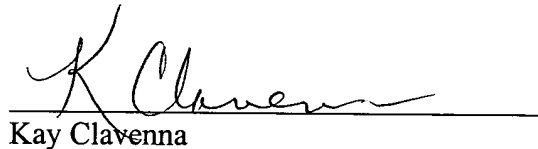


Soumit Roy, Reg. No. 47,043.

BRACEWELL & PATTERSON, L.L.P.  
711 Louisiana, Suite 2900  
Houston, Texas 77002  
713/221-1491  
Fax 713/221-2185

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C., on July 24, 2001.

  
Kay Clavenna